Tribunal Members' Questions for the Detainee

Q: How old are you?
A: At the time I was captured I was twenty-eight.

Q: So this incident in which you were arrested after high school, how long ago was that?
A: I was seventeen when I finished high school.

Q: So this is over ten years ago?
A: Najibullah was in power, I have not counted since then. I do not know how many years have gone by.

Q: Are you familiar with Hezb-I-Islami Gulbuddin?
A: No. I've heard before that he was a leader of the Mujahiden's.

Q: The Mujahiden against the Russian's? Is that what you mean?
A: No the Mujahiden were the people who were fighting against Russia.

Q: So back in the time you were arrested, the HIG was actually fighting the Russians?
A: Yes. At that time the Russians had already left but the Afghan communist government was still in power.

Q: What is your employment? What do you do for a living?
A: I do not have a specific job. I have been a veterinarian. I have been a tailor and a teacher.

Q: When we were discussing this identification, the translator referred to it as a passport; was it an identification or passport?
A: Both of them. If you don't have an identification card, you don't have [a] passport.

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Q: In this country and in most countries that I am familiar with, those are two different things. An identification card is an internal document and a passport to travel outside the country. Could you help clarify this a little bit more for me?
A: It is the same there. The common thing is that when you are a citizen of a country then you have to have an identification card and after that you can apply for a passport.

Q: In the unclassified summary, what is being referred to, an identification card or a passport?
A: I had a passport and an identification card.

Q: From the way you describe this area whereas you can move freely back and forth across the Pakistan/Afghanistan border, why did you need any identification?
A: In order to get a passport you have to have some kind of ID.

Q: Did you need this identification for any reason in Pakistan or in Afghanistan?
A: No, I did not.

Q: If you needed a passport to go to another Arab country, why didn't you get an Afghani passport?
A: As I said earlier, there was no room for me, there was no chance for me in Afghanistan because the Taliban was there and they never recognized us allies so that is why I didn't get it from the Afghanistan government. I couldn't get it in any way.

Q: You said that that level of weaponry was necessary to defend yourself against a sort of attack you could expect. Why would you expect that kind of attack? Had you been attacked with heavy weapons before?
A: In the past sixty years we have had a history of strong animosity between the people. It is always about the land and in the process I lost an uncle of mine as well who was killed. So I cannot get the help of the government in that area. There is nobody there. I have to secure that area. That is why I had to have those weapons.

Q: Can you tell me how you or your tribe got the weapons in the first place?
A: Like I said, that is a liberated area. There is a lot of black market. People have weapons. You can buy anything you want. In the [redacted] area, people were selling them and we bought them.

Q: Who trained you on how to use the weapons?
A: No, nobody taught us how.

Q: You just figured it out on your own?
A: The people of [redacted] have been familiar on how to use weapons for the past three to four hundred years. They have kept up-to-date with the types of weapons that are coming into people's hands.

Q: With respect to [redacted] the local Taliban leader, according to the allegations, exactly how long did you know this person?
A: I mentioned it earlier, you know, he was at that gathering and over dinner people were talking about him. I think he had worked for Taliban and that is all I know about him.

Q: What position did he hold with the Taliban?
A: He was a Commander.

Q: Do you recall the time frame when this gathering occurred?
A: It was daytime. You have probably experienced that we, the Afghan people, do not have very specific dates and I do not remember exactly when it was. I do not even remember when I was born.

Q: Do you know around what Islamic holy day or holy days may have been close to that particular meeting?
A: It was right around when the Americans came. It was during Karzai's first six month Presidency.

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Q: Do you know how many other people in your compound were detained when you were detained?
A: Where?

Q: What we have is that you were captured during a raid, I think, at your compound. I am just curious to know if there were other people that were detained with you from your family or from your tribe.
A: I don't understand what you mean by the raid.

Q: The very first accusation that the government has is that during a raid at your home, your [redacted] and [redacted] were captured. Was it just yourself, your [redacted] and your [redacted] that were captured?
A: There was not a raid or any type of attack. The Americans just came to our house and they talked to us and there were only these three people, that's it.

Q: You mentioned that there were a number of tribes in the area that you felt threatened from and that is why you had the weapons. I understand that, and I would like to know when was the last time you had active combat against one of these tribes. I am not looking for exact times.
A: Within our enemies?

Q: Yes.
A: During the Taliban we were suffering rocket-related attacks all the time.

Q: And the last time you were attacked before you were picked up, was it months or years?
A: I do not know a fixed date.

Q: I am just curious as to how long it was before his last attack?
A: I think it was in the vicinity of seven to eight months prior to my capture, there were attacks on us.

Q: How long ago did you obtain this Pakistan passport and ID? Again, approximate months, years.
A: As I was saying I do not know the exact date but I think you can look at the passport and it should say when it was issued.

Q: I am not aware if we have it. All I know about your case is what I have heard here today.
A: I do not remember.

Q: Was it during the time that the Taliban was in control of Afghanistan or after the Americans took control?

The translator clarifies the question for translation and asks the Tribunal President if he istalking about the passport or the identification card or both. The President states he is interested in both documents.

A: I think the identification was issued before the Taliban came and I applied for the passport during the Taliban government.

Q: Did you ever travel outside of Afghanistan or Pakistan with your passport looking for other work?
A: No, I didn't.

Tribunal President: [redacted] do you have any further evidence to present to this Tribunal?

Detainee: No, for the past two years that I have been captured I haven't even received a letter from my family.

The Personal Representative has no further evidence to present to the Tribunal.

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]
Tribunal President

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the Detainee. The Detainee confirmed that he understood the process and had no questions.

The Tribunal President then offered the Muslim oath to the Detainee. The Tribunal President also confirmed that the Detainee had requested two witnesses, both of which were available for the Tribunal. The Detainee and both witnesses took the Muslim oath before testifying.

The Recorder read all unclassified evidence in full to the Tribunal. The Personal Representative then stated each point of unclassified evidence separately to allow the Detainee the opportunity to respond, and included previously attained statements from earlier meetings.

Tribunal President: Do you still wish to provide information to this Tribunal?

Detainee: I don't have any documentation or proof or any evidence. I'm innocent and not guilty. I was one of the people working for the Karzai government. I don't have anything with me [to prove this].

Tribunal President: We welcome your statement, and you'll be given an opportunity at this time to make that statement, then we may have questions, and we'll call your witnesses to come in and testify.

Detainee: OK.

The Tribunal President then offered the Muslim oath to the Detainee; the Recorder gave the Detainee the Muslim oath.

Personal Representative: I will read the statements, and you may respond how and when you like. *(3.a.1) The Detainee served as the governor of the [redacted] district while the Taliban was in power.*

Detainee: I did not work for the Taliban government, but the Karzai government as a district officer in [redacted] district, not in [redacted]. There is no [redacted] district in Afghanistan; I have not heard of it.

Personal Representative: *(3.a.2) During a raid conducted on his residence 2 May 2003, the Detainee was apprehended in possession of assorted Taliban paraphernalia; items for making improvised explosives and information about military posts.*

Detainee: That does not make sense because I was a district officer for the Karzai government. I would not make trouble for myself or the government. This is not true.

There is no need for that. If they have proof, or capture or find anything with me, that would be a different issue. I would not do that.

Personal Representative: *(3.a.3) The Detainee gained experience with weapons during the Russian jihad.*

Detainee: I didn't have any training on weapons; I'm a poor man, and there is no need for me to have any weapon.

Personal Representative: *(3.b.1) The Detainee participated in military operations against the coalition. A witness observed the Detainee discussing rocket attacks on coalition forces, as well as transporting missiles.*

Detainee: If I talk about it, then where is my statement or speech? Was it recorded? I worked and supported for the government. You people work for the government; are you doing anything against the government? I would not do anything against the government.

(3.b.2.) The Detainee fired rockets at coalition forces.

Detainee: When America came to Afghanistan we were very happy because they could help our security and help us to live in peace. I still say I was working for the government, and I have a lot of respect for America.

(3.b.3) The Detainee provided weapons to the Taliban.

Detainee: This was not true because I was not in a battle, or a commander or a boss. I hated Taliban as I hated Russia. They came and robbed my house, arrested my [redacted] in Jalalabad, and took 6 rifles from me. Then they put us in jail for one and a half months, and didn't release my [redacted] I don't support the Taliban.

Tribunal President (to the Detainee): Does this conclude your statement?

Detainee: I have nothing to say because I'm still saying I'm innocent. I should not be here. I shouldn't even be at this Tribunal. I'm innocent, and I don't know why I'm here. I'm requesting that I'm still innocent. I have small children at home, and I still want to support the new government. Actually, the Taliban was very oppressive. You are good people and respect human rights. Whoever sold me took money from the Americans. Whoever reported me, I'm thinking, was a friend of the government. When Americans came to my house, they said lay down on the floor. I laid down. They took me away for two days and beat me up badly. I'm still sick since that time. I'm not blaming you. The new people do not want the new government growing up. Americans hit me and beat me up so badly, I believe that I'm sexually dysfunctional. I don't know if I'll be able to sleep with my wife or not. Since that time, I'm really sick. I can't control my urination, and sometimes I put toilet paper down there so I won't wet my pants. I will not say anything if there is justice and honesty. I'll leave that up to you. I just say I'm very innocent.

Tribunal President: Very well. We will accept whatever you want to tell us today, and take it into strong consideration as we make our decision.

Detainee: Thank you very much. Thanks to all of you. This was my fault because I was working for the Karzai government. I still worry about my kids, if they go to charity, or how they survive back home. I don't know who reported me to the Americans; these are opposing the government. There's documents and evidence to show, it's obvious, that I was a district officer.

Tribunal President: Thank you for your testimony today.

Detainee: During the Taliban, I was a carpenter. I hated the Taliban as much as I hated the Russians.

Tribunal President: We may have some questions for you, but does that complete your statement at this time?

Detainee: Yes.

The Tribunal President then opened up the floor for questions of the Detainee from Tribunal Members.

Tribunal Member: Good afternoon. We appreciate your testimony, but there a few things we want to clarify, please. Have you been a carpenter all your life?

Detainee: During the Russian jihad, I was a carpenter, too.

Tribunal Member: But carpentry was the primary means of supporting you and your family?

Detainee: Yes, because I was very poor and didn't have extra land or any other business. The only thing I could do was carpentry. This is why I had a lot of cuts and bruises from working hard.

Tribunal Member: You mentioned that you were a district manager; what does a district manager do?

Detainee: Actually it was very new; there wasn't much stability at that time. As a district officer I would try to bring security to the district and peace for the people. If someone had charges against each other, I would take care of that. It was my job.

Tribunal Member: If your previous skills were as a fighter and a carpenter during the Russian jihad, how is it you were qualified to be a district officer?

Detainee: Actually I was applying for a higher position than that. We were working to bring the king back to Afghanistan. Because the sheik and Karzai came at the same time, I ended up with the job as a district officer. I didn't do jihad a lot, but my [redacted] did. He was martyred during the jihad.

Tribunal Member: We express our regrets on the death of your [redacted].

Detainee: Thank you very much.

Tribunal Member: I want to return to when they raided your house, and you were there at the time. Was it both American soldiers and Afghan soldiers, or just American soldiers?

Detainee: I haven't seen any Afghan soldiers; I couldn't really see them. I was far away from them when they called my name. At my house, they found no weapons there or on me.

Tribunal Member: So you believe a personal enemy of yours is the one who accused you of being with the Taliban?

Detainee: I'm not sure; I don't know my personal enemy. I'm thinking that would be one of the members of the Taliban or HiG organization. These are the people playing games for their own benefit. They reported me to take money from the Americans. I'm thinking it was one of them.

Tribunal Member: I hope that you appreciate it's very unusual to hear that you were with the Karzai government, and that American soldiers would come in your house and beat you, if you were with the United States.

Detainee: Actually, this is not America's fault; they did not know me. Someone reported me; whoever it was, took some money, and this is why they did that and are ruining my life.

Tribunal Member: Have you ever been visited by an [redacted] government delegation since you've been here?

Detainee: Yes.

Tribunal Member: Have they offered to help you in any way?

Detainee: When I saw him I got very upset; I was gritting my teeth and I couldn't control my emotions. He was asking me why I was captured if I was a district officer. I would say I don't know, and that I have the same question. When they captured me, I was a district officer. Then he told me he was here for a couple of days, and asked if I had any messages for when he goes back.

Tribunal Member: How long ago was that, if you can remember?

Detainee: I'm not sure, maybe 10-15 days ago. I asked my Personal Representative if I could see them again, but haven't had the chance.

Tribunal Member: So the visit was very recent?

Detainee: I saw my Personal Representative 15 days ago and asked him, but he hasn't gotten back yet.

Tribunal Member: You corrected the statement that there was no [redacted] district; where is [redacted]?

Detainee: I was the counselor during the Karzai government in [redacted].

Tribunal Member: Where is [redacted]?

Detainee: It belongs to the province of [redacted] in a district of [redacted].

Tribunal Member: Is it a city or a district?

Detainee: It's a city with a little bit of people; it has a bazaar. In Afghanistan, there's a lot of destruction, and a lot of places destroyed.

Tribunal Member: I noticed on the map there is a [redacted] city in that district.

Detainee: Maybe, but I swear I haven't heard that name.

Tribunal Member: Are you familiar with the [redacted] River?

Detainee: Yes.

Tribunal Member: Lived there a long time? How long have you lived in that area ([redacted])?

Detainee: Actually in [redacted] I did my job as a district officer for 8 months. I had been living in [redacted] (phonetic).

Tribunal Member: How close is that to [redacted]?

Detainee: Far away from [redacted].

Tribunal Member: Is it northeast, southwest?

Detainee: The other side of the river.

Tribunal Member: Where the sun comes up?

Detainee: It is the side of sunrise, but my house is on the side of the sunset. I think that this place is in the south.

Tribunal Member: So you've been in that area for several years now, and you worked for the district manager for 8 months, but lived in the area a lot longer?

Detainee: I didn't live there; the government sent me there.

Tribunal Member: Can you tell me anything about a camp called Derunta around there in that district?

Detainee: Derunta is in Jalalabad. It is not near [redacted].

Tribunal Member: What can you tell me about Derunta Camp?

Detainee: Are you talking about Derunta Band? I know of the band, but not the camp.

Tribunal Member: Tell me about the band?

Detainee: They were stationed for electricity.

Tribunal Member: Ever hear of an individual referred to as [redacted] in that area?

Detainee: No.

Tribunal President: Were you born in [redacted]?

Detainee: Of course I was born in [redacted].

Tribunal President: So you've lived in [redacted] all your life?

Detainee: I lived all my life there. When the Russians came, I went and lived at ([redacted](phonetic) Camp as a refugee sometimes.

Tribunal President: When the Taliban was in control of Afghanistan, what was your means of support; what did you do for a living?

Detainee: I was a carpenter. Even the Americans probably saw my tools still in my house.

Tribunal President: Did the Taliban at any time attempt to recruit you, or request your support in any way?

Detainee: I was not that famous. Not famous enough for the Taliban to ask for support. Even if I was not an important person, someone indicated or thought I was an important person and reported me to the Americans.

Tribunal President: Well, somebody in the Karzai government considered you an important person to hire you, a carpenter, as a district manager.

Detainee: Actually, I was working with [redacted] (phonetic). He was my commander when I was a district officer. Before that, security was very bad down here. Five of the people from the council were killed in the [redacted] district. There were a lot of thieves, and I was there to keep the security. I wasn't very strong to think of myself as a district officer, but God helped me, and people were very happy to have me as a district officer.

Tribunal President: Why, once you were arrested, did he not come to your assistance?

Detainee: I don't know. God will help me. My children are very young kids, and maybe they are too small or scared to go and tell him.

Tribunal President: But the commander you had worked for – surely, if one of his district officers had been arrested he would've been aware of that. If you'd have been doing a good job, and he thought you were innocent, he should've come to help you. Why did he not?

Detainee: I don't think at that time, the Americans were listening to anybody. They were only listening to the report or the document more. There was this man named [redacted] (phonetic) who was captured, and the whole province went to try to help release him. They tried by a bail bond, but he's still in jail. People came from 4 provinces to help him, but they did not listen. One day, I had the documents proving I was working for the government. They had them here, but I don't know what they did with them. They keep asking me to cooperate, and tell whatever I know, and they're still holding me up in prison.

Tribunal Member: The two names of the people you said were captured [redacted] and [redacted], is that correct? Is [redacted] one of the individuals you asked to testify for you today?

Detainee: Yes.

Tribunal Member: Is the second person [redacted] or someone else?

Detainee: I don't know them very well, but the other one is [redacted].

Tribunal Member: You said you actually have papers signed by [redacted] saying you were district officer?

Detainee: I was working hard, and I tried so hard; running up and down, trying to get a job with the government. I had all these documents from the internal ministry and the procedure was to become a district officer. I'm unsure where the documents are now. Karzai signed the application and assigned me as a district officer, and that document was lost in the internal ministry. So, I got another document signed by him. They still have the contract I signed.

Tribunal Member: Thank you; I have nothing further, sir.

Tribunal President: (to the Detainee) Thank you for your testimony here today. Do you have anything else for the Tribunal today?

Detainee: I have no more questions or anything to say. God be kind and help me. I'm still concerned because I was a member of the government and worked for the government. I'm very upset and I need treatment. I'm worried about my children, and I've suffered a lot of damage since I've been here.

Tribunal President: I'm sure if you make it known to the medical personnel here when making sick calls, that they'll take care of you.

Detainee: Every day they just give me a tablet. I want an X-ray of my body and to get a diagnosis of what is wrong with me.

Tribunal President: When was the last time you talked to medical personnel here at Camp Delta?

Detainee: Every morning they make rounds. They come all the time, but they just give me a tablet. I don't know English, but I tell them every day and I point at where the pain is, and I have problem urinating. I think they take it as a joke and they laugh. I am apologizing, but I think my testicle was damaged when I was beaten that time.

Tribunal President: I will instruct the Personal Representative to make a call to the medical personnel at Detainee control, to give special attention to this Detainee.

Detainee: The good thing is if they will take the X-ray of my whole body, then they'll know what is wrong with me.

Tribunal President: We'll make sure to follow-up on that. Whatever medical attention is needed, hopefully they'll be able to provide.

Detainee: Since I've come to Cuba, I've had pain. The other day the MP's or soldiers took away my pen. I had permission to have the pen with me in my room.

Tribunal President: That's beyond our authority here whether you have a pen or not, but we will make your need for medical attention known.

The Tribunal President then took a moment to allow the first of two witnesses to be brought in to the room. The Tribunal President then verified this was a witness requested by the Detainee, and requested the witness identify himself.

Tribunal President: (to Witness # 1): We require you to take the Muslim oath, and that you tell the truth today.

The Witness agreed to take the Muslim oath, and was given the oath by the Recorder.

Tribunal President: Personal Representative, do you have questions for this witness?

Personal Representative: Yes, sir. (Now addressing Witness # 1): How do you know the Detainee?

Witness: I was a goat keeper, and he was doing the carpentry, so I saw him down there.

Personal Representative: Is there anything you want to explain, such as if you knew him well?

Witness: I know the time I was working as a goat keeper; I heard he was a carpenter. I heard later he was a district officer.

Personal Representative: Was he (the Detainee) a member of the Taliban?

Witness: During the Taliban he was doing carpentry.

Personal Representative: Do you know who he worked for?

Witness: He was working for the new government of Karzai.

Personal Representative: Have you ever known the Detainee to carry weapons?

Witness: No, I haven't seen that. Only time I've seen him I've seen the carpentry tools.

Personal Representative: (to the Tribunal): That was all the questions we discussed previously.

Witness: I told you yesterday that I knew him a long time, and he could be my witness also. Whatever I knew about him I would tell the Tribunal, and I would say the same thing to President Bush.

Tribunal Member Questions of Witness # 1

Q: Good afternoon. How long did you say you have known the Detainee?

A: About three years before jail; a total of 2-3 years, but 2 in jail.

The Detainee interrupted and stated "I was a carpenter during the time of the Taliban, so I have known the witness about 3 years." *The Tribunal Member then continued to ask questions of the Witness.*

Q: In Afghanistan, how often did you see him (the Detainee)?

A: Maybe 4, 5 or 6 times, but I was busy with my goat keeping. Anytime I saw him he was doing carpentry work.

Q: Did you ever have any business dealings with him?

A: I was in Afghanistan; I was just a goat keeper. Here in Cuba they think I am an important person.

Q: Where did you learn your English?

A: In Cuba.

Q: So all your English came from right here?

A: I actually learned the Koran in English here.

Q: No English back in Afghanistan?

A: I couldn't even understand Pashtu words before.

The Tribunal President then took a short pause to allow for Witness # 1 to be removed, and for Witness # 2 to be brought in to the Tribunal. Once Witness # 2 was brought in, the Witness was administered the Muslim oath.

The Tribunal President then opened up the floor to questions from the Personal Representative and Tribunal Members, once he confirmed that the Detainee had no questions of the Witness.

Personal Representative (to Witness # 2): How do you know the Detainee?

Witness: When the Taliban regime fell, they lost control. I moved to the province and saw the Detainee there.

Personal Representative: Is the Detainee a member of the Taliban?

Witness: No.

Personal Representative: How do you know he was not a member of the Taliban?

Witness: In Kumar, I was against the Taliban, and I knew all the important members. What I know of him (the Detainee) is that he was not Taliban. If he was Taliban, then he wouldn't have been working in [redacted] area as a district officer.

Personal Representative: Do you know who the Detainee was working for?

Witness: He was working for the Karzai government.

Personal Representative: Did he carry weapons?

Witness: I don't know. I saw him many times with no weapons; but I don't know. A district officer carries no weapons because they are civilians. In our constitution, weapons are only carried by the military.

Tribunal Member questions of Witness # 2

Q (to Witness): How long had you known the Detainee prior to Cuba?

A: After the Taliban regime fell. Since that time, I just heard his name before, but I had not seen him until the Taliban was gone.

Q: Would you have any reason to associate with him while in Afghanistan?

A: I was only hearing about him when he was coming for a business meeting, and I was going to. He (and I) were going to a council meeting.

Q: What was your occupation in Afghanistan?

A: I was working for the Karzai government, in charge of the military division.

Q: You assumed those responsibilities soon after the new government took over?

A: Yes.

Q: So it seems that if you had responsibilities like that, and he (the Detainee) did as well, there'd be occasions to see each other.

A: Our job descriptions were different. He was a civilian, and I was military.

Q: Who came here to Cuba first, you or him?

A: I did.

Q: Does your reason for being here have anything to do with him being here?

A: I do not know what reason he is here. I didn't even know he was here until I got here. I don't know what reason I am here.

Q: Would you just tell us briefly why you are here?

A: I don't know why, and I have no information about myself. Since the Taliban came, I fought against them until they left Afghanistan. I got a job after the Taliban left. When the Americans came I gave them rooms in places to live. When Americans came to see people, I made appointments for them. I went to the Americans to see them; when I talked to Americans I made times for appointments. One day, they set an appointment at 12:00. After the meeting and discussion were over, and after the meeting, out of the blue, the Americans stopped me. I don't know what my fault was except that I made the appointments for the Americans. For that reason, maybe I was captured. Other than that, I would see the Americans every day, and nothing happened. I don't know why they took me to Bagram. From Bagram, to here, I have had interrogations. I don't know what was going on, because I was happy when the Americans came, I didn't have to hide in the mountains from the Taliban anymore. I was happy for the Americans because I thought they would bring safety and security, but now look at me; it's been three years in Cuba. I don't know what my fault is. The Americans came and we were happy we would live peacefully, and live a normal life. What did we do? Actually, I'm so embarrassed of the people we fought against. They are here in Cuba, and now we are here in Cuba. Now we are in the same boat as they are. When they see us, they laugh at us. They say, there is the Karzai government and they are here too.

Q: You indicated the Detainee was a civilian, and your position came from the military? Is that a correct understanding?

A: Because he was a district manager or district officer. District officers always have a civilian rank, but I had a military rank. My job was military. I was hired from the ministry of defense, but I think now they hire from the internal ministry.

At this time, the Detainee requested a break from the Tribunal President because he needed to go to the latrine. The Tribunal President then confirmed there were no more questions of the Witness, and thanked him for his testimony. The Witness then stated the following:

Witness: I want you to take our request into consideration, because we are happy you are asking about us and reviewing our case.

The Tribunal President thanked the Witness for his testimony, and took a short recess to allow Witness # 2 to be removed, and to allow the Detainee to take a comfort break.

Tribunal President (to the Detainee): Do you have any other information you wish to present to this Tribunal?

Detainee: I don't have anything else to say. I just want your kindness in taking care of our cases. I request it be finished soon so I can go home to my family, and to work for the government, and get my job.

The Tribunal President thanked the Detainee for his testimony, and explained the rest of the Tribunal process. The Tribunal President then adjourned the open session.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, U.S. Marine Corps
Tribunal President

Summarized Sworn Detainee Statement

[When the Tribunal President explained to the Detainee that the following applied during the hearing, the Detainee asked for an explanation on the statement. The Tribunal President responded by explaining to the Detainee how the process was going to proceed.]

[The Detainee nodded his head that he understood. The Tribunal President requested the Detainee respond verbally, since the Tribunal was being recorded.]

When asked by the Tribunal President if he understood the CSRT Process, the Detainee answered, "this is the first time I have been to a Tribunal and I don't know."

Tribunal President: If you have any questions as we go through, please ask them and we will answer them.

Detainee: Fine.

Tribunal President: Do you have any questions now regarding what we just told you?

Detainee: No.

[Personal Representative presented D-A {Detainee Election Form} to the Tribunal President.]

[Recorder presented Unclassified Exhibits R-1 through R-4 to the Tribunal President.]

Detainee: I don't know what Exhibits R-1 through R-4 are.

Tribunal President: I will Describe what each piece of evidence is, as we get to them.

Detainee: Who are the three impartial people in the Tribunal?

[The Tribunal President explained to the Detainee that the three impartial people were the three Tribunal members.]

Detainee: Are you a judge?

Tribunal President: I am not a judge, but I am the Tribunal President.

Detainee: You are the people that are supposed to be impartial?

Tribunal President: Correct.

Detainee: Fine.

[The Tribunal President explained each piece of unclassified evidence to the Detainee, which was already shown to him by his Personal Representative. The Detainee requested the Translator re-read the unclassified summary to him, which he did.]

[When the Tribunal President explained Exhibit R-2 {the FBI redaction letter}, the Detainee stated if they are classified, what if they are incorrect? The Detainee was concerned over his fate if the documents presented were not correct. He wanted to see the classified documents.]

Tribunal President: The classified information cannot be shown to you due to national security reasons. By you participating today, we want to hear your story as well. We haven't seen any information prior to this. We will take everything into consideration.

Detainee: All the statements are clear and I have clarified them each time I have met with other people.

[The Detainee made the statement to the Tribunal President that this was between you and God. The Tribunal President responded by answering yes.]

Tribunal President to Detainee: I see that you have two requests for witnesses. The first request was for a statement from the [redacted] to prove you were a police officer. Specifically that you were working as a police officer in 1996, and you had also met with the [redacted]

Detainee: Yes.

Tribunal President: I denied that request because your employment prior to the events we are looking at isn't relevant to our case.

Detainee: You are the one that asked about that.

Tribunal President: I understand that. You may have been addressing the bullet on the Unclassified Summary that talks about 1996? I will tell you that even though the bullet is on that piece of paper, this Tribunal won't consider that when we determine whether you are an enemy combatant or not.

[The Detainee requested the Translator re-read paragraph 3.a.4, which he did.]

Detainee: When you researched that last point, did that prove I was telling the truth? Or is that just a waste of time?

Tribunal President: I denied researching it, because we won't consider it. It is not relevant to this hearing.

Detainee: The Personal Representative told me I was accused because of the first three bullets.

Tribunal President: Correct. The fourth one will not be used against you, true or not.

Detainee: I didn't go to Bosnia. If you think I was arrested or captured, then why don't you provide evidence, such as pictures, to prove I was?

Tribunal President: Because it is not relevant to what we are doing.

Detainee: If it has no relevance, why is it among the evidence?

Tribunal President: I can't answer that question.

Detainee: If you can't answer that, then who can?

Tribunal President: The members that prepared this document. We receive it; we don't prepare it.

Detainee: As impartial members, I want to prove to you that if I am being accused of something regarding point three, if you are not going to take it into consideration, why is it on the Unclassified Summary?

Tribunal President: It is up to us what we consider and I can tell you we are not concerned with the time frame of 1996.

Detainee: Fine.

Tribunal President: As to the second request, you asked us to check with the [redacted] It could prove you were on a humanitarian mission while on leave.

Detainee: Yes.

Tribunal President: I denied that request as well, because an employer has no knowledge of what their employees do when they are on leave.

Detainee: Even though the employer doesn't know what I was doing, I gave you my route and the date I went to [redacted] I met the [redacted] He knew I was there for charity work. My second request would prove when I made this trip to [redacted]

Tribunal President: The date we understood from your Personal Representative referencing the [redacted] was in 1996.

Detainee: I don't know the Gregorian calendar, I gave the Personal Representative approximate dates.

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Tribunal President: Again I think it centers a round the 1996 time frame. We are concerned mostly about September 2001 and beyond.

Detainee: That is fine if that is your concern. You made accusations, and I wanted to respond to them.

Tribunal President: We appreciate your participation.

Detainee: Whether it is relevant or irrelevant, I responded to the question.

Tribunal President: Thank you.

When asked by the Tribunal President if he wanted to make a statement the detainee stated yes and provided his statement after electing to be sworn.

[The Personal Representative stated the Detainee and he had agreed he would read a statement and the Detainee would respond to it.]

Detainee: Yes. I want something positive for you to consider. I want to defend myself, if given the time.

Tribunal President: You have the time now.

Personal Representative: 3.a.1, [The Detainee was captured in Pakistan as he crossed the border shortly after Ramadan in December 2001.]

This is incorrect. I met a civilian in a village after crossing the Pakistani boarder in Selban. This civilian was supposed to take me to the [redacted] Embassy. I stayed in the village in Pakistan for approximately one day before the Pakistan Army arrived. I turned myself in to them. I was then taken to [Bash Auer.] I was allowed to meet with one representative of the [redacted] delegation. He took my history, but the Pakistanis would not release me.

Detainee: Can I expound on that?

Tribunal President: Please do.

Detainee: When I entered Pakistan, I met the Pakistani guide and the Pakistani Army who requested I accompany them. I told them I wanted to go to my Embassy. They said official arrangements had to be made. I asked why? They told me because I had entered the country illegally. I asked what was the proper way to enter the country? They told me because I had entered illegally, they had to follow some type of procedures to handle the situation. They said after they filled out the official forms, they would turn me back over to my country. They treated me normal. I didn't think they were going to do anything to me. I proved to them with my passport and tickets that I was there legally. We were getting along famously. They didn't put me in prison or place any restrictions on me. I was told they were making the necessary arrangements to return me to my country. Suddenly, I was turned over to the United States. I don't know why I was turned over to the U.S. There was nothing going on between the U.S. and me, and there were no problems between my country and the U.S. My only problem was with the Pakistani government. Why did they do that? Pakistan is the reason I am here. Pakistan was greedy and wanted money, so they sold me. This might have put the U.S. in a very precarious position.

Personal Representative: When we spoke, the Detainee added he went to Pakistan for a private trip.

Detainee: Yes.

Personal Representative: He went for charity purposes to build houses.

Detainee: I agree with what the Personal Representative has said. I didn't only go to build houses but anything that would help the poor and needy. I wanted to build a mosque, but I didn't finish it. I read Afghanistan was very poor and I wanted to do a lot of good work there. It would cost me two to three hundred thousand dollars to build a mosque in [redacted] however, in Afghanistan it would only cost about two thousand dollars. [redacted] had several charities and they didn't need my help.

Personal Representative: The Detainee went to Afghanistan alone. He remembered going to Afghanistan about twelve to thirteen days before 11September.

Detainee: I agree with what the Personal Representative has said, but the dates are approximate. This is a big event that I won't forget, but I can't remember the dates. I entered Afghanistan in 1422.

Tribunal President: We have a calendar to translate the dates into our time frame.

Personal Representative: Paragraph 3.a.2, [the Detainee worked as a volunteer for al Haramain, an Islamic charity.]

Detainee: I didn't work for them. I donated my time to be charitable. I have no connection to [redacted] I went there for twenty days, but I don't know anything about them. I was surprised when I was told they have an association with al Qaida. It was a known fact that [redacted] was a charitable organization. Everyone was aware of the charity work they were involved with. I donated my time, for twenty days, doing anything I could to help. If you want to know about my trip, I have no problem telling you about it.

Personal Representative: The Detainee and I discussed that the trip was for twenty days to Sudan during the time of the floods. He recalled that to be about six or seven years ago.

Detainee: I don't recall the exact dates.

Personal Representative: Six or seven years would take us back to 1996 or 1997.

Detainee: When I asked you to get the paperwork from Sudan, it was to prove that point and the dates.

Personal Representative: The Detainee told me while he was in Sudan he met with the [redacted] He remembered it was more than twice, possibly three or four times.

Detainee: Approximately.

Personal Representative to the Detainee: That is all that I have, do you have anything to add?

Detainee: That was everything I told you. Thank you very much for speaking. I told the interrogators before that I was the head of my family. I have a wife and kids. You can ask my country regarding my behavior. You can find out everything about me starting when I was young. I didn't have any problems with the courts because I didn't travel out of the country very often. I joined the Army when I was seventeen and I got married at eighteen. I have a wife, daughters, and a stable job. I had no problems whatsoever. Why am I here? I will try to prove anything you want.

Personal Representative: Paragraph 3.a.3, [al Haramain is a non-governmental organization with known ties to al Qaida and Usama Bin Laden.]

Detainee: I don't know anything about that whatsoever. I am surprised this is even being brought up. This is an unbelievable accusation. Even though it isn't a government organization, it is a semi-government organization. Americans and the American Embassy know about this organization. You can ask about that organization and the past years they have been in operation. Because of Usama Bin Laden, all Muslims are being attacked. Just because someone has become a Muslim, they are associated with al Qaida? This is a disaster.

Personal Representative: The Detainee and I also discussed at the time (approximately 1996, 1997 time frame) the charity group was recognized by the [redacted] government and the [redacted] Ambassador also knew about it.

Detainee: It was one of the largest organizations in [redacted] if not in the Muslim countries. What happened to this organization? This must have happened since I have been here.

Personal Representative: The Detainee said the trip was documented by video [Personal Representative stated this was in 1996 or 1997].

Detainee: I told the interrogator the trip was all on video.

Personal Representative: The Detainee asked was the organization even on a list back then (1996, 1997) as a terrorist organization?

Detainee: If [redacted] is a terrorist organization, why is it my problem? Am I guilty because they are terrorists?

Personal Representative: The Detainee also mentioned, even though the [redacted] knew about it, he never said anything to me when he knew I was going to travel.

Detainee: It was just a regular visit. I was checking on them and telling them about their needs and how I could help them. [redacted] televised the story and the [redacted] government was fully aware of it. There are several villages in Sudan. I rebuilt houses that had been destroyed. A clinical van delivered blankets. Seed was provided for planting. Everything was done to help the poor and needy. You can check this out with the [redacted] and [redacted] governments. If this is not the truth you can keep me here, but if it is, why am I here?

Personal Representative to Tribunal President: The Detainee and I did discuss 3.a.4, [Detainee is suspected of being a Bosnian Mujahadin fighter that was previously captured in 1996.] Do you want to hear the Detainee's comments, or is it not relevant?

Tribunal President: Go ahead and discuss it since the Detainee told you the information.

Personal Representative: Paragraph 3.a.4, [Detainee is suspected of being [redacted] Mujahadin fighter that was previously captured in 1996.]

[Personal Representative explained to the Detainee that even though the Tribunal President has said paragraph 4 was not relevant, we are allowed to discuss what we talked about in order to be heard.]

Detainee: This point is very important to me because I was accused on the previous three statements. By proving they are incorrect, I have proved I am innocent. I am accused of being a member or associated with al Qaida based on the three or four points of the evidence. That is why the interrogators believed I was guilty and a member because of this evidence. When you realize what I have said is the truth and compare it with the incorrect evidence provided by the interrogators, this will help me.

Personal Representative: Regarding paragraph 4 of the Unclassified Summary, the Detainee said, never. He was a [redacted] at that time. He joined when he was seventeen years old. He has a wife and kids. He even received awards during the time he was (inaudible).

Detainee: I am a peaceful man. Even before Bosnia, there was the Gulf war. I was there and received an award for appreciation. I was not involved with Bosnia. I'm not supposed to say anything or defend myself. You indicated I was arrested. If I was arrested and there is proof, then there is no reason for you to ask me about it. It's better if you have to prove it.

Detainee: I praise God and his Prophet. I would like to remind everyone that God is watching us, and God doesn't like cruelty. God is between us. He will be the judge. Don't condemn him and condemn yourself. That is all I can do I am in prison. That is all I can say.

[When asked by the Tribunal President if Detainee had anything else to say.]

Detainee: I have nothing else to say. I am not associated with al Qaida. If the charity was an illegal terrorist organization, I knew nothing about it. I have nothing else to say, the rest is up to God. You have all the evidence that proves what I have just told you.

Detainee: Did you have any questions? You have to look at this from a humanitarian point of view. I have wasted three years in prison. I have nothing else to give. The Pakistani people were very greedy. Once I am finished here, I will have a case against Pakistan.

Summarized Answers in Response to Questions by the Tribunal Members

Q. You mentioned you were in the military. Would you please tell me something about your time in the [redacted] military.

A. I was with the police. I'm not going to tell you that because this is my country and I don't want to reveal anything. Even though I spoke to the interrogator about it, it's not my right to talk about it. There isn't anything secret, I just don't want to talk about it. I ask your forgiveness.

Tribunal member. Of course.

Q. How old are you?

A. Do you want the truth?

Tribunal member: Yes. Please.

Detainee: Thirty-three or thirty-four.

Q. How did you travel to Afghanistan?

A. It's all clear. I went from [redacted] to [redacted] to Pakistan.

Q. How long were you in Afghanistan before you went to Pakistan?

A. I don't recall dates but I believe about two or three days before the fall of Kabul. I left Kabul to go a surrounding city. The time was six ten 1442.

Q. While you were in Afghanistan, did you carry a weapon or have any guns or ammunition?

A. Never.

Q. Did you bring your own money with you to Afghanistan, or did the charity provide for you?

A. It was my money. I had nothing to do with the organization.

Q. Did you have your passport with you when you came into Pakistan?

A. I had my passport and return plane ticket.

Q. Did you complete the mosque that you went to Afghanistan to build?

A. No. I put in the foundation, but didn't have a chance to finish because the attacks took place in Kabul. I left someone there and gave him money to finish it.

Q. Were you employed by the police force when you left for Afghanistan?

A. Yes and I'm still with them, unless they have let me go.

Q. Does the police force give you so many weeks of leave or can you just leave for anytime and come back?

A. I got two months of vacation time per year.

Q. What places or cities did you visit in Afghanistan?

A. Kandahar was the first place I visited. I stayed there for about eight or nine days. After that, I spent most of my time in a city near Kabul. I don't really know because I was staying in one place and another until I got to Pakistan. I can't even remember what places I visited in Pakistan. The name of the village in Pakistan is in the Pakistani report.

Q. Why did you cross from Afghanistan into Pakistan?

A. What type of question is this? I was escaping.

Tribunal member: That's what I wanted to verify.

Detainee: I was trying to locate the closest city or place to run to.

Q. What mosque did you attend in [redacted]

A. Any place I could go and pray. When it is time to pray here, I will pray.

[Translator: For the record, the Detainee asked me if I was Muslim and I ignored him.]

Q. Did any Fatwa motivate you to go to Afghanistan?

A. No. I went because it was a poor Muslim country. I had read a lot about it in magazines and papers and decided to go there on my own to do charity work.

Tribunal President: Just a point of clarification. I hate to make you repeat yourself again.

Detainee: Anything you have, you can throw at me. I have a family that I have left behind and it is too bad that I am here.

Q. When you were in Afghanistan, it is my understanding you were not affiliated with [redacted] at that time?

A. No. I was not associated with them. The first and last time was when he went to Sudan. After that, there was no connection whatsoever not with [redacted] or any other organization. I just like to help the poor and needy. From this point on I will do charity work in my own country.

Q. Have you seen your passport since you have been here in such as an interrogation or anything?

A. They brought me pictures about a year ago.

[The Tribunal President asked the Detainee if he had any other evidence to present to the Tribunal.]

Detainee: You can ask my Personal Representative if he has anything else?

I have nothing to submit. They took my blood, hair, and (inaudible). They have taken my picture and have thoroughly examined me. You have all the evidence. What do you want my heart?

Q. Personal Representative do you have any other evidence to present to this Tribunal?

Personal Representative: I have no witnesses, but I would like to provide the Tribunal with Exhibit D-B, which is a unclassified copy of an evidence property custody document that I have received from the evidence room. This document supports the Detainee's comments regarding his passport and airline ticket which were in his custody when he was captured. The passport shows the different places he went and where it was stamped and his airline ticket shows the dates he had to use it by.

[During instructions to the Detainee regarding the Tribunal process, he prayed to God.]

[After the Tribunal was adjourned the Detainee asked how could he be classified as an enemy combatant?]

Tribunal President to Detainee: We have not made that determination yet.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, United States Army
Tribunal President

When the Recorder stated that he had no further unclassified evidence to present, but requested a closed tribunal session to present classified evidence, the Detainee stated that he did not know what was meant by classified or unclassified.

The Tribunal President advised that unclassified information is information that the Tribunal may share with him. Additionally, the Tribunal President read the definition of classified evidence to the Detainee, who indicated he understood.

The Detainee was sworn.

Detainee's Sworn Statement

Detainee: My Personal Representative should start by asking the questions.

Personal Representative: We will begin by addressing each point in the Unclassified Summary.

The Personal Representative made the following statements on behalf of the Detainee:

- **3(a) The Detainee is a member of the Taliban.**

Personal Representative: When the Detainee and I met, he gave me a statement regarding 3(a), will I be allowed to read that?

Tribunal President: That's appropriate.

Personal Representative: I came from [redacted] to Afghanistan to run a private school ten years before my capture and ran that school for ten years.

Detainee: Before we came with our families to Afghanistan, I ran a private school in my house.

Personal Representative: I was also running a farm, trying to make land ready for the crops.

Detainee: When I came back, my whole farm was desert; it was not usable and mixed with other people's property. I started from the beginning with my hand, and fixed it to get ready for the crops.

Personal Representative: I was growing food for my farm animals.

Detainee: I asked for wheat and bartered for green grass to give during the summer and winter to the animals.

Personal Representative: All the people in the area had seen me. I had to stay in my house because I was the only elder in the house and I also cared for my sick mother.

Detainee: She is not only old, but she is also very sick. I'm always close to her. I cannot leave her alone for a minute because her pressure goes so high and low sometimes, almost to her death. I'm the only one to care about her. There is no one else to take care for our family. I have an old, sick mother and I have young kids; I'm the only man in the house to take care of all of them.

Personal Representative: My point is, I had no possible time to be a member of the Taliban.

Detainee: I don't know which part of the question I told him about the Taliban, but that is my story. I was too busy with my life and my family to be part of the Taliban.

The whole [redacted] district knows me, and you are free to ask everyone about me. I was so busy with my own life and family that was the only thing I did with my life. I am not a member of Taliban; my daily life was so busy.

- **3(a)1 The Detainee is the former district officer for the Taliban in [redacted] Afghanistan.**

Personal Representative: I was not any district's officer. Before the Taliban, Rabini was the President of Afghanistan. Before the Taliban came, the district officer left office. Then, a group of elders from the area, because of tradition, (inaudible)

Detainee: That's not it; I want to explain. In the beginning in southern Afghanistan, like Zabul, Kandahar and Raznik, people had heard of Taliban names. Kabul still had Rabinin in power as the President of Afghanistan. At that time, the District Manager left the district. In Pashtun tribes, the elders handle daily disputes. This is a long-standing tradition in our culture. I was an elder in this group for some time.

Personal Representative: When the Taliban came, the group stopped.

Detainee: Before the Taliban and before I started to build my house, I didn't go to the jirga [elder's council]. The government was there, so the group automatically finished.

Personal Representative: When the Taliban was in power, they put in a governor and a district officer.

Detainee: Not a governor. Before the Taliban came to power, the group was still working and I had started to build my house so that's why I stopped going to the group. If the government comes and takes over, the jirga is automatically finished because there is no need anymore.

I would like to say one more thing. Zormat and its people are still there. You can, anytime, ask about me. Ask if was an officer a military officer, a district manager…anything.

The day the Taliban captured Kabul until the day I was arrested, from soldier to clerk to upper job. If anybody, anywhere proved that I worked for the government of the Taliban, I am 100% guilty.

The day the Taliban captured [Kabul from Rabini] until my capture, if you can prove that I was with the Taliban for one month, one day or one hour, that I was with the Taliban as a soldier, clerk or high ranking or low ranking…I'm 100% guilty. To prove that is up to you.

- **3(a)2 The Detainee ordered an individual to emplace weapons caches in the [redacted] district for use against U.S. forces.**

Personal Representative: This never happened. I did not do this and I don't know any individual that would say this.

Detainee: I hope that if you hurt my feelings, you will accept it. I hope you already know about me, because if I was a commander, I'd have a weapon. You are free to ask anybody, anytime, anywhere if I was ever a commander or member of any party. You will know that I did not have a weapon and I didn't belong to any party, not a high rank or a low rank.

Before the Americans came to Afghanistan, if anyone asked and if I was even a small commander that would be true that I told the people to give the weapons or put them together.

If I don't belong to these people or hold this position, how could I tell this person to do this?

There are two things, either I'd be a commander or I have my own weapon. If I don't have these two things and if I'm nobody, how would I order people to do things? Who would listen to me and take my order?

I would never say these things. I swear, and that is not easy for a Muslim to swear. I swear on my God and I swear on the holy book, I never ever told anyone to put a weapon together or put them somewhere to use them against Americans. It never happened.

I give my oath, that if I'm guilty I will accept my punishment. I apologize for taking your time.

Personal Representative: You [Detainee] said everything that I had written down here, but better.

Detainee: It was a misunderstanding. It was during the night and there was a knock at the men's door, the big door. We all woke up and came inside. It was midnight and a horrible time. Me, the woman and my kids were so scared. I thought the people came to rob us because this kind of thing happens often.

A lady walked to the man's door and I asked her what the truth was. I was told they were people from the government and they had come to search the house. I told them the middle of the night was not the time to search the house. My house is in the middle of the desert, with no one else around, and this is the people rob people. I talked to the lady and asked her to please go back and ask nicely if they were truly people of the government, please wait here until after darkness.

She came back and said they wouldn't listen. If I didn't open the door, they would break the door down. So many times we had the same conversation, and asked them to please wait until after the darkness and then they'd be welcome, if they were truly from the government.

Around this time, there was a village called (inaudible). They were told that people of the government wanted to search the house. They were not from the government; they were thieves. The thieves took everything the villagers had in their lifetime. It's very easy for you guys to find out about this. The minute the door was opened, everything was taken by thieves. That happened very close to my arrest. This story was still very fresh in everyone's mind at that time.

In another village the same thing happened. People went to the house in the name of the government. The minute they opened the door, they took everything and also killed the owner. Everyone in the area knows about this, you can ask and find out. This also happened very close to the time I was captured. The owner was murdered.

This is common in the [redacted] district, day and night. America will know this thing and so will the [redacted] Ask him, he knows this always happened, day and night. The people who work with the Americans know about what happened in [redacted] all the time.

When I heard the noise of the door and they said they'd break the door down. Most Pashtuns have a big house and the walls are too high and too strong, and we also have a very big door on the front of the house.

When I heard they wanted to break the door in, I was 100% sure they were not government people, they were thieves, and I went to the house and got my gun and went to the roof. I shot it in the air so the thieves would know and understand that there was a weapon in the house.

- **3(b) The Detainee participated in military operations against the United States or its coalition partners.**

This item was not addressed by the Detainee or the Personal Representative.

- **3(b)1 The Detainee commanded a group of troops responsible for the 20-21 July 2002 bombings against the U.S. base in Gardez, Afghanistan.**

Personal Representative: This never happened, I never did it, not even for a moment. I know nothing about any bombings against the U.S. base in Gardez, Afghanistan. I know of no group.

Detainee: First of all, this did not happen and I was in no position to command people to do this job. As much as I can prove, Americans were in Gardez. If you can prove that I was a commander in Gardez, if you guys have proof, I'm still guilty.

Again, I swear, I'm a Muslim and I swear I've never known when and how in Gardez people bombed the American base.

An interrogator told me that the [redacted] is a prisoner with us here and that he had information about me. You guys have the right, right now to bring him in front of me and ask him any information about me. You have a right to ask him if I ever broke a law. I know this information is based on Gardez, because the American base is in Gardez City, and that was his position as the [redacted] You have the right to bring him and ask him if I ever broke the law.

After all of this, if you guys have any proof on any of these allegations, I would punish myself. I'm ready and I'll accept it and I'll do the punishment myself, with my own hand. I ask forgiveness for taking your time.

- **3(b)2 The Detainee fired on U.S. forces when they attempted to enter his property.**

Detainee: This is the main thing.

Personal Representative: It was night, dark out and I was sleeping. There are a lot of thieves. I heard a noise outside; somebody was knocking on the door.

Detainee: First of all, I did not shoot American forces.

Personal Representative: They told the female of the house they were from the American base. She was trying to tell me what they were saying.

I did this because I was 100% sure that they were not people from the government, but they were the same people who were thieves, so I went to the roof and fired my gun into the air.

I'm sure, even if I was 100% sure, if I kill a thief, how could I answer that question? In the future, that would be a big problem for me. Because my house is in the middle of the desert, I'm alone and nobody else was in the house but me, if I injured the thief, it would be hard to protect myself from it in the future.

I just wanted to make sure that the people understood there was somebody in the house and there was a weapon, so they wouldn't go inside by force.

The minute I shot in the air, firing started in the house. The fire was all over the house.

Personal Representative: When you spoke with me, all the firing started from the outside firing back at you. You fired into the air and they all started firing at you. They fired in the house, not people in the house firing out.

Tribunal President: We understand.

Detainee: There was a lot of firing and a lot of noise. I couldn't just put my head up. In Bagram, they questioned me about a house that was far away from my house. They told me firing came from this house, to us. I asked how I should know who was firing at who. I never knew who was firing from where.

The people, Americans and the government thought that people shot at them from outside somewhere, because the interrogators always ask me this question.

On the roof, we have extra walls and I was not able to look or see where the firing was coming from and who was firing. It was like a war zone.

Maybe the people who were with the Americans know where the firing was coming from. I couldn't stand up to see what happened. I'm not sure because the soldiers and the government were all in my house. They fired from inside.

I didn't say anything in Bagram to put someone else in trouble to free myself. I didn't give the wrong information in Bagram either, to free myself.

The firing was still going on. There were light and heavy weapons. I was shocked and surprised by what happened and what was going on. At that time, I heard the airplane, or jet. After I saw the airplane, I understood that this was the government. Admittedly, I came down from the roof, went to the room my mother was in. I talked to her and told her things were wrong and these were the people of the government. I told her not to worry and I was going to open the door so they could search the house and it would be no problem.

I talked to my mother because it was a hard time. I asked her to let me open the door, with her approval. My mother didn't approve my request. She placed her hand on the holy book and asked me not to go out because they would shoot me.

My kids came to me, grabbed my leg and begged me not to open the door. They were so scared.

I still repeatedly asked my mother. They were people of the government, they just want to see the house and they aren't going to hurt me. It took me a long time to convince my mother of this.

When I went outside there were a lot of people and a lot of cars. I raised my hand and told them to come to the house to search the house. The Americans did not come, but an Afghan came up to me and put his hand on my shoulder. After that, the Americans came and handcuffed my hands behind my back and sat me outside the house when they inside the house and did the search.

After a while, they put me in back of a truck. When they were done searching the house, they started driving to Gardez. That was my story.

I would like to say one more thing. I have a mother, my wife, kids, sister and self in my house. If I fired at Americans it meant suicide for my family. That means destroying and killing your own family.

I've been here with you guys almost two years. Maybe you've found out about me in these two years that I'm that crazy to kill or destroy my own family. Maybe you've found that I'm a crazy person or a mental person. If I did anything like this, it means I don't worry about my kids or family and I don't care to die.

I was not that crazy and not that stupid to shoot at the Americans from my own roof. That'd mean I killed my own kids and family.

My house is totally flat and if I shot at anyone, and there were a lot of people, why didn't one person get wounded if I shot at them? There was no place to hide in my house. What was my plan? Shooting at Americans means the destruction of my family. That was not my intention.

If I had known they were people from the government or they were Americans, this would never had happened. I was still thinking they were thieves and they came to rob us.

Forgive me, I'm sorry I took a lot of time. I talk too much, I think.

Tribunal President: We appreciate your statement and it was very thorough. Does this conclude your statement?

Detainee: I think I explained enough. If you want to talk more, maybe we'll talk.

Tribunal President: The panel will ask questions, so you may have a chance to answer some questions.

Detainee: In three years, I don't understand. I don't get it. Why am I in Cuba? I've asked so many times in the interrogations. I asked what I did and why I was here.

Tribunal President: This Tribunal will review why you're being detained. This is a place you can provide us information, and you have done that. The information you were given is why you should be here, according to the government. It is our job to review everything and determine if you should be detained as an enemy combatant. Does that help answer your question?

Detainee: Forgive me please, I asked so many times in interrogations why I was here. Now I know and to my knowledge this is not true.

I want to thank my Personal Representative for all of his hard work on my case. I told you one time, you wrote everything down and I still told everything myself. You worked real hard on my case, thank you.

Personal Representative: That's what we're supposed to do.

Tribunal President's Questions for the Detainee

Q: You had a weapon that you used to protect your family.

A: First of all, for generations people in Afghanistan have a weapon. Before King [Zion?] was King. It is very important for me to have a gun because I live in the middle of the desert for protection. The government has never been 100% in control in our area.

Q: That answers my next question, which was did you have it all the time you were in Afghanistan? Which you have.

A: This one weapon belonged to my father, and he left it to me.

Q: May I ask what kind of weapon it was?

A: Kalashnikov, AK-47.

Q: Earlier, I believe you said you helped the Pashtun group as an elder when the previous district manager or officer left. You did that because of your family status?

A: (Inaudible)

Q: Before the Taliban came, you said elders from your group.

A: Not from my group, from the village.

Q: ...from the village served as district officers to handle disputes. Is that correct?

A: There is no position in the jirga. Everbody is supreme council. They just control the daily life and they are asked forgiveness and to solve disputes. There is no position; everybody is the same.

It's [jirga] is a very old tradition. Even when there is government, sometimes if there is a dispute between people, they don't go directly to the police, the elders or friends and relatives will sit and talk about it and finish it once and for all. It's not good for the family name to go to the government office.

Q: Just to make it clear, you were never a district officer under the Taliban?

A: Again, like I told you before. The day they [Taliban] captured the government from Rabini, ask anybody if I held any position, high or low, if anyone proves this, I am guilty and I will punish myself. I accept the guilt.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Tribunal President